

The Chair announced that the Senate would, at 12 m. tomorrow, Wednesday, January 25, meet the House in joint session to ballot for United States Senator to succeed Hon. Roger Q. Mills.

On motion of Senator Gough, the Senate adjourned until 10 o'clock tomorrow morning.

TWELFTH DAY.

Senate Chamber,
Austin, Texas, Wednesday, Jan. 25, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	McGee.
Burns.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Gough.	Potter.
Greer.	Koss.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Stone.
Johnson.	Terrell.
Kerr.	Turney.
Lewis.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.

Absent.

Odell.

Absent—Excused.

Davidson. Patterson.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

EXCUSED.

On motion of Senator Lloyd, Journal Clerk O'Quinn was excused for non-attendance on Monday and Tuesday last on account of sickness in his family.

PETITIONS AND MEMORIALS.

By Senator Atlee:

Memorial of citizens of the counties of Dimmit, LaSalle, Uvalde and Kinney, engaged in cattle raising, praying that said counties be exempted from the operation of the "Hide and Animal Inspection Law."

Read and referred to the Committee on Stock and Stock-raising.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Jan. 24, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 64, being a bill to be entitled "An Act for the better protection of the farmer in the purchase of commercial fertilizers, and for other purposes,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

WAYLAND, Chairman.

Committee Room,
Austin, Texas, Jan. 24, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Resolution by Miller, as follows: "Whereas, There is now in the library of the Supreme Court several duplicate sets of reports and other works of value to them, which distributed amongst the various Courts of Civil Appeals would materially increase the usefulness of their libraries, therefore be it

Resolved by the Senate, the House of Representatives concurring, that Chief Justice Gaines be and is hereby authorized to distribute such surplus books among the several Courts of Civil Appeals,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be not adopted for the reason that it appears that the several courts of the State are already furnished with the State reports.

ATLEE, Chairman.

Committee Room,
Austin, Texas, Jan. 24, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 60, being a bill to be entitled "An Act to amend Article 1188, of Chapter 2, Title XXX, of the Revised Civil Statutes of the State of Texas (1895), relating to the amendment of pleadings,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,
Austin, Texas, Jan. 24, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 29, being a bill to be entitled "An Act to provide for jointly suing common carriers,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass with the following amendment:

Amend by adding after the word "shipped" (the last time it is used in said bill) the following, "in any county or precinct in which either road may now be sued by existing law."

ATLEE, Chairman.

Committee Room,
Austin, Texas, Jan. 24, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on State Penitentiaries, to whom was referred

Senate bill No. 43, being a bill to be entitled "An Act to appropriate \$150,000 to build and maintain a cotton or woolen manufactory or both within the walls of the Rusk penitentiary and to buy necessary machinery therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

STONE, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 22, being "An Act making an appropriation to pay for publishing the constitutional amendments proposed by the Twenty-fifth Legislature,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,
Austin, Texas, Jan. 24, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Public Health, to whom was referred

Senate bill No. 15, being a bill to be entitled "An Act to establish a State Board of Embalming, to provide for the better protection of health and life, to prevent the spread of contagious diseases, and to regulate the practice of

embalming and the care of and the disposition of the dead,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

YETT, Chairman.

Committee Room,
Austin, Texas, Jan. 24, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Public Health, to whom was referred

Senate bill No. 16, being a bill to be entitled "An Act to amend Articles 3763, 3764, 3765, 3766, 3767, 3768 and 3770, Title LXXXI, of the Revised Civil Statutes of the State of Texas, and to add thereto Articles 3776a and 3776b, providing penalties for the breach of said title regulating the practice of pharmacy within the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it *do* pass.

YETT, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 35, being a bill to be entitled "An Act requiring the county commissioners court of any county in the State to submit propositions for the issuance of bonds to a vote of the qualified taxpayers of such county,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, with the following amendment:

Amend by adding to Section 4 the following: "Provided that this act shall not apply to any bond issue when for a sum less than two thousand dollars, when issued for the purpose of repairing buildings or structures for the building of which bonds are allowed to be issued."

DIBRELL, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1899.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 44, being a bill to be entitled "An Act to amend Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature, approved June 16, 1897,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

DIBRELL, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1899.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 33, being a bill to be entitled "An Act to amend Articles 3103, 3104 and 3105, of the Revised Civil Statutes of the State of Texas, relating to the conventional rate of interest, and reducing the same to eight per cent. per annum,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not* pass, for the reason that a like bill has already been reported to the Senate.

DIBRELL, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 34, being a bill to be entitled "An Act to require city and county treasurers to report condition of interest and sinking fund to the State Comptroller; to prohibit them from diverting said funds, and providing penalties,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

DIBRELL, Chairman.

BILLS AND RESOLUTIONS.

By Senator Terrell:

Senate bill No. 70, A bill to be entitled "An Act to collect fines and costs where convictions are had in felony cases, and providing for working and hiring out such convicts as in misdemeanor cases."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Turney:

Senate bill No. 71, A bill to be entitled "An Act to amend Article 1011, of the Revised Statutes of Texas, relating to compensation for clerks of the several Courts of Civil Appeals."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Johnson:

Senate Concurrent Resolution No. 8, Resolved, by the Senate, the House concurring, that Hon. C. A. Culberson be invited to address the Legislature in Joint Session today, immediately after the vote of yesterday's election has been announced.

Adopted.

Call concluded.

Senator Miller moved that his resolution (relating to duplicate sets of Reports in the Supreme Court Library), which was this morning reported adversely by Judiciary Committee No. 1, be recommitted to said committee.

Recommitted.

HOUSE MESSAGES.

Hall of the House of Representatives,
Austin, Texas, Jan. 25, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bill:

House bill No. 11, "An Act to diminish the civil and criminal jurisdiction of the county court of Duval county, to conform the jurisdiction of the district court of said county thereto, and to repeal all laws in conflict therewith."

Also House bill No. 108, "An Act to amend Title 4, Chapter 2, of the Code of Criminal Procedure, relating to the unlawful disposing of mortgaged property, and more particularly fixing the venue of such cases."

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

IN SENATE.

The above reported House bills were read first time, and referred as follows:

House bill No. 11 to Judiciary Committee No. 2.

House bill No. 108 to Judiciary Committee No. 2.

Hall of the House of Representatives,
Austin, Texas, Jan. 25, 1899.

Hon. Jas. N. Browning, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following:

Senate Concurrent Resolution No. 8, relating to an invitation to Hon. C. A. Culberson to address the Legislature in Joint Session today.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

SPECIAL ORDERS.

The Chair laid before the Senate,
Senate bill No. 27, A bill to be entitled
"An Act to define 'Legal' and 'Conven-
tional' interest, to create the distinction
between the same, and regulate the rate
of interest thereof on contracts and judg-
ments, to provide pains and penalties, to
prevent usury, and to repeal all laws in
conflict with this act," action being on
engrossment.

Pending action, on motion of Senator
Yantis, further consideration was post-
poned till tomorrow after call.

The Chair laid before the Senate,
Senate bill No. 31, A bill to be entitled
"An Act to provide a final method of
publishing notices and reports required
by law to be published by commission-
ers' courts of the various counties of the
State, to be effective in all cases where
said courts are unable to secure publica-
tion thereof in the manner and for the
price now provided by law therefor."

Bill read second time with committee
amendment.

Committee amendment, to-wit:

Amend by adding after the word "city"
the following:

"Section 2. All laws and parts of laws
in conflict herewith are hereby repealed."
Adopted.

The bill as amended was then ordered
engrossed.

On motion of Senator Linn, the consti-
tutional rule requiring bills to be read
on three several days was suspended and
the bill put upon its third reading and
final passage by the following vote:

Yeas—24.

Atlee.	Morriss.
Burns.	Neal.
Dibrell.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Stone.
Kerr.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.
Miller.	Yett.

Absent.

Goss.	Lewis.
Gough.	Odell.
Johnson.	

Absent—Excused.

Davidson.	Patterson.
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Bill read third time, and passed by the
following vote:

Yeas—23.

Atlee.	Dibrell.
Burns.	Greer.

Grinnan.	Potter.
Hanger.	Ross.
James.	Sebastian.
Kerr.	Stone.
Linn.	Terrell.
Lloyd.	Turney.
McGee.	Wayland.
Miller.	Yantis.
Morriss.	Yett.
Neal.	

Absent.

Goss.	Lewis.
Gough.	Odell.
Johnson.	Stafford.

Absent—Excused.

Davidson.	Patterson.
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The Chair laid before the Senate,
Senate bill No. 55, being a bill to be
entitled "An Act to establish and create
in each of the cities, towns and villages
of this State, a State court, to be known
as the Corporation Court in such cities,
towns and villages, and to prescribe the
jurisdiction and organization thereof,
and to abolish municipal courts," action
being on

Senator Grinnan's amendment, to-wit:

To amend Bill No. 55, by striking out
Section 3, and inserting the following:
"The city council may, at any time, by
ordinance, establish the office of recorder
of such city, town or village, who shall
be elected in the same manner, time and
place as the mayor of such city, town or
village, and whose term of office shall be
the same as the mayor of such city, town
or village, and until his successor is
elected and qualified, and for his services
he shall receive such compensation as
shall be prescribed by ordinance of the
council or board of aldermen of such city,
town or village."

By Senator Dibrell:

Amend the amendment by adding the
following:

Provided, that in towns and villages
not incorporated and acting under special
charters, the mayors of such towns
shall be ex-officio recorder of such courts.

By Senator Miller: Substitute the
amendment and the amendment thereto,
as follows:

Amend by striking out Section 3, and
inserting the following: "The city coun-
cil may, at any time, by ordinance, es-
tablish the office of recorder of such city,
town or village, who shall be elected or
appointed, as provided by charter, and
whose term of office shall be the same as
the mayor of such city, town or village,
and until his successor is elected and
qualified, and for his services he shall
receive such compensation as shall be
prescribed by ordinance of the council or

board of aldermen of such city, town or village; provided, that in towns and villages not incorporated and acting under special charters, the mayor of such town shall be ex-officio recorder of such courts."

Adopted.

By Senator Atlee:

Amend the amendment (Miller's substitute) by inserting after the word "villages," where it first occurs, the following: "who shall preside over the court created by Section 1 of this act."

Adopted.

The amendment (Miller's substitute) as amended was then,

Adopted.

By Senator Greer:

Amend the bill, line 13, page 3, by adding after the word "applicable" the following words, to wit: "provided that in towns, villages and cities incorporated by general law, the recorder shall not be required to charge the jury, but he may give or refuse special charges, under the rules now applicable to county judges; and provided further;" and further amending by striking out the word "except" on page 3, line 13.

By Senator Dibrell:

Substitute the amendment as follows:

Amend by striking out the word "county" in line 12, page 3, and inserting in lieu thereof "justices."

Senator Greer accepted the substitute and same was

Adopted.

The amendment as substituted was

Adopted.

By Senator Grinnan:

Amend by striking out Section 4, and inserting the following:

"Section 4. In cities, towns or villages where there is no recorder, or where the recorder thereof is absent, the corporation court created by this act shall be presided over by the mayor of such city, town or village, and when a city, town or village has established the office of recorder, and a recorder has been elected, he shall preside over such corporation court, and the mayor or recorder acting as such recorder shall receive the fees of such office."

Lost.

(Senator Atlee in the chair.)

By Senator Yantis:

Amend by striking out Section 16 on pages 5 and 6, and insert the following:

"Section 16. Appeals from judgments rendered by such corporation courts as are mentioned in this act shall be heard by the county court, except in counties where there is a criminal district court, in which counties such appeals shall be

heard by such criminal district courts and in all such appeals to the county court or criminal district court, the trial shall be de novo in the county court and in the criminal district courts, the same as if the prosecution had been originally commenced in that court."

By Senators Dibrell and Linn:

Substitute the amendment as follows:

Strike out Section 16 and substitute the following:

"Section 16. That all appeals shall lie from conviction before corporation courts herein created and established to county courts of the county in which such conviction was had and in counties having no county court with criminal jurisdiction such appeals shall lie to the district court of said county and such appeals shall be governed by the rules of practice and of procedure for appeal from the justices courts and the trial of said cause on appeal shall be tried de novo; that such court shall hold no term and shall be deemed at all times open for the transaction of business."

Senator Yantis accepted the substitute and same was adopted.

The amendment as substituted was then

Adopted.

(Lieutenant-Governor Browning in the chair.)

By Senator Greer:

Amend the bill by striking out Section 5, and inserting in lieu thereof the following:

"Section 5. The city secretary shall be ex-officio clerk of the recorder's court and he may be authorized by the council to appoint a deputy, who shall have the same powers as clerk as the said secretary. The city secretary shall hold his office as clerk during his term as city secretary. It shall be the duty of the clerk of the said court to keep a minute of the proceedings of said court, to issue all process, and generally to do and perform all of the duties of a clerk of a court as prescribed by law for the clerk of the county court in so far as the said provisions may be applicable."

By Senator Miller:

Substitute the amendment, to wit: I strike out the word "may" in line 3 Sec. 5, and substitute the word "shall"

Senator Greer accepted the substitute and the same was adopted.

The amendment as substituted was then

Adopted.

Pending action on engrossment, on motion of Senator James further consideration was postponed till Friday next afternoon call.

BILLS ON SECOND READING.

The Chair laid before the Senate, Senate bill No. 1, A bill to be entitled "An Act to amend Article 4497, of the Revised Civil Statutes of the State of Texas, of 1895, as originally enacted in 1887."

Bill read second time with committee substitute, to wit:

Substitute Senate bill No. 1, by Committee.

A bill to be entitled "An Act to amend Articles 4497 and 4500 of the Revised Civil Statutes of the State of Texas of 1895, as originally enacted in 1887, relating to furnishing cars for the shipment of freight and the time within which the same shall be loaded."

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That Articles 4497 and 4500 of the Revised Civil Statutes of the State of Texas as revised in A. D. 1895, and originally enacted in 1887, be, and the same are hereby amended so as to hereafter read as follows:

Article 4497. When the owner, manager, or shipper of any freight of any kind, shall make application in writing to any superintendent, agent, or other person in charge of transportation, to any railway company, receiver or trustee, operating a line of railway at the point the cars are desired upon which to ship any freight, it shall be the duty of such railway company, receiver, trustee, or other person in charge thereof, to supply the number of cars so required at the point indicated in the application, within a reasonable time thereafter, not to exceed three days from the receipt of such application, and shall supply such cars to the persons so applying therefor in the order in which such applications are made, without giving preference to any person.

Article 4500. Such applicant shall, at the time of applying for such car or cars, deposit with the agent of such company one-fourth of the amount of the freight charge for the use of such cars, unless the said road shall agree to deliver said cars without such deposit, and such applicant shall, within forty-eight hours after such car or cars have been delivered and placed as hereinbefore provided, fully load the same, and upon failure to do so he shall forfeit and pay to the company the sum of twenty-five dollars for each car not used; provided, that where applications are made on several days, all of which are filled upon the same day, the applicant shall have forty-eight hours to load the car or cars furnished on the first application, and the next forty-eight

hours to load the car or cars furnished on the next application, and so on; and the penalty prescribed shall not accrue as to any car or lot of cars applied for on any one day until the period within which they may be loaded has expired. And if the said applicant shall not use such cars so ordered by him and shall so notify the said company or its agent, he shall forfeit and pay to the said railroad company, in addition to the penalty herein prescribed, the actual damages that such company may sustain by the said failure of the applicant to use said cars.

SEC. 2. Whereas, under the present law, shippers are necessarily delayed and put to great inconvenience for the want of a ready supply of cars, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

The committee substitute (above) was adopted, and the bill as substituted ordered engrossed.

On motion of Senator Potter, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

Yeas—27.

Atlee.	Morriss.
Burns.	Neal.
Dibrell.	Odell.
Greer.	Potter.
Grinnan.	Ross.
Hanger.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Lewis.	Turney.
Linn.	Wayland.
Lloyd.	Yantis.
McGee.	Yett.
Miller.	

Absent.

Goss.	Gough.
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Absent—Excused.

Davidson.	Patterson.
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Bill read third time and passed.

Senator Greer entered a motion to reconsider the vote by which his amendment to Section 5 of Senate bill No. 55, relating to clerks was adopted.

The President announced that the hour had arrived when, under the law, the Senate should repair to the Hall of the House of Representatives to meet that body in joint session for the purpose of participating in the election of a United States Senator.

The Senate accordingly repaired in order to the House of Representatives.

IN JOINT SESSION.

At 12 o'clock m., the Honorable Senate of Texas was duly announced at the bar of the House, and the Speaker invited them to enter.

Accompanied by Secretary J. P. Pool, and Sergeant-at-Arms C. H. Allen, the Senators advanced into the hall and occupied seats already prepared for them along the aisle.

Hon. James N. Browning, President of the Senate, was invited to a seat on the right of the Speaker.

The Secretary was directed to call the roll, and the following Senators answered to their names:

Atlee, Burns, Dibrell, Goss, Gough, Greer, Grinnan, Hanger, James, Johnson, Kerr, Lewis, Linn, Lloyd, McGee, Miller, Morriss, Neal, Odell, Potter, Ross, Sebastian, Stafford, Stone, Terrell, Turney, Wayland, Yantis, Yett.

Absent—Excused—Davidson, Patterson.

The President announced a quorum present.

The Clerk was directed to call the roll of the House, and the following members answered to their names:

Hon. J. S. Sherrill, Speaker; Messrs. Adams, Allen of Colorado, Allen of Hopkins, Ayers, Bailey, Barbee, Barrett, Bean, Beaty, Bennett, Blount, Bolin, Bridgers, Browne, Caldwell, Calvin, Chambers, Childers, Childs, Clements, Cole, Collins, Conoly, Cross, Culp, Dean, Decker, Derden, Dies, Eckols, Ellis, Evans of Fannin, Evans of Grayson, Frost, Garrett, Gill, Goodlett, Goodman, Gordon, Graham, Greenwood, Grogan, Grubbs, Hamilton, Henderson of Brazos, Henderson of Lamar, Howard, Hurley, Jones, Kennedy, Kittrell, Lake, Lane, Lillard, Livsey, Loyd, Looney, Marsh, Masterson, Maxwell, McAnally, McClellan, McDowell, McFarland, McKamy, McKellar, Meitzen, Mercer, Monroe, Morris, Morrow, Murphy, Murray, Neff, Nolan, Palmer, Parish, Peery, Pfeuffer, Phillips of Lampasas, Phillips of Camp, Pitts, Poole, Powell, Prince, Ratcliff, Robertson of Bell, Rochelle, Rogers, Russell, Sansom, Savage, Schluter, Scurry, Shannon, Shelburne, Shropshire, Smith of Grayson, Smith of Collin, Staples, Stewart, Sutherland, Tarkington, Tarver, Tate, Teagle, Terrell, Thomas of Wise, Thomas of Fannin, Tompkins, Tucker, Vaughan, Walton, Wells, Wheelless, Willacy, Willrodt, Wooten, Wright.

Absent—Excused—Cocke, Crawford, Dorroh, Garner, Little, Oliver, Robertson of Harrison, Stripling.

The Speaker announced a quorum present and said:

"In accordance with law and concurrent resolution, the two houses of the Twenty-sixth Legislature of Texas are now in joint session for the purpose of comparing the proceedings had in separate session on yesterday in the matter of the selection of a United States Senator."

The President then directed the Secretary to read from the Senate Journal the proceedings had in the Senate Chamber yesterday in the election of United States Senator.

The Secretary then read the following from the Senate Journal of yesterday:

(Extract from the Senate Journal of yesterday.)

"The Chair announced that, as per resolution adopted, the hour fixed for the Senate to proceed to the election of a United States Senator to succeed Hon. R. Q. Mills had arrived, and that nominations were in order.

"Senator Miller nominated Hon. Chas. A. Culberson of Dallas county.

"The nomination of Hon. Chas. A. Culberson was seconded by Senators Stafford, Burns, Dibrell, Atlee and Turney.

"The Chair declared nominations closed, and ordered the Secretary to call the roll, the result being as follows:

"For Chas. A. Culberson:

"Atlee, Burns, Dibrell, Goss, Gough, Greer, Grinnan, James, Johnson, Kerr, Lewis, Lloyd, McGee, Miller, Morriss, Neal, Odell, Potter, Ross, Sebastian, Stafford, Terrell, Turney, Wayland, Yantis, Yett—Total, 26.

"Absent—Stone.

"Absent—Excused—Davidson, Hanger, Linn, Patterson.

"The Chair announced that the Senate would, at 12 m. tomorrow, Wednesday, January 25, meet the House in joint session to ballot for United States Senator to succeed Hon. Roger Q. Mills."

The Speaker directed the Clerk to read from the House Journal of yesterday the proceedings had in the election of a United States Senator.

The Clerk then read as follows:

(Extract from the House Journal of yesterday.)

"ELECTION OF U. S. SENATOR.

"The Speaker here announced that the hour, 12:15 p. m., set apart by concurrent resolution for election of U. S. Senator had arrived and announced that nominations were in order.

"Mr. Wooten nominated Chas. A. Culberson of Dallas county.

"The nomination of Chas. A. Culberson

was seconded by Mr. Smith of Grayson, Mr. Stewart, Mr. McAnally, Mr. Kittrell, Mr. Decker, Mr. Pitts, Mr. Schluter and Mr. Frost.

"On motion of Mr. Greenwood nominations were declared closed.

"The clerk was directed to call the roll.

"The following members voted for Chas. A. Culberson:

"Hon. J. S. Sherrill, Speaker; Messrs. Adams, Allen of Colorado, Allen of Hopkins, Ayers, Bailey, Barbee, Barrett, Bean, Beaty, Bolin, Bridgers, Browne, Caldwell, Calvin, Chambers, Childers, Childs, Clements, Cole, Collins, Conoly, Cross, Culp, Dean, Decker, Derden, Dies, Ellis, Evans of Fannin, Evans of Grayson, Frost, Garner, Garrett, Gill, Goodlett, Goodman, Gordon, Graham, Greenwood, Grubbs, Hamilton, Henderson of Brazos, Henderson of Lamar, Jones, Kennedy, Kittrell, Lake, Lane, Lillard, Little, Livsey, Loyd, Looney, Marsh, Masterson, Maxwell, McAnally, McClellan, McDowell, McFarland, McKamy, McKellar, Meitzen, Mercer, Monroe, Morrow, Murphy, Murray, Neff, Nolan, Oliver, Palmer, Parish, Peery, Pfeuffer, Phillips of Lampasas, Pitts, Poole, Powell, Prince, Ratcliff, Robertson of Bell, Rochelle, Rogers, Russell, Sansom, Savage, Schluter, Scurry, Shannon, Shelburne, Shropshire, Smith of Grayson, Smith of Collin, Staples, Stewart, Stripling, Sutherland, Tarkington, Tarver, Tate, Teagle, Terrell, Thomas of Wise, Thomas of Fannin, Tucker, Vaughan, Walton, Wells, Wheelless, Wilacy, Willrodt, Wooten, Wright. Total—116.

"The following voted for Tom McNeill: Mr. Eckols. Total—1.

"The following voted for C. H. Jenkins: Mr. Howard. Total—1.

"The following voted for E. H. R. Green: Mr. Tompkins. Total—1.

"Absent—Messrs. Bennett, Hurley, Phillips of Camp.

"Absent—excused—Messrs. Blount, Cocke, Crawford, Dorroh, Grogan, Morris, Robertson of Harrison.

"The Speaker then announced that the Senate and House of Representatives of the Twenty-sixth Legislature would meet in Joint Session tomorrow at 12 o'clock m. for the purpose of comparing the vote for United States Senator."

The Clerk and Secretary were directed to announce the result, which was as follows:

Chas. A. Culberson received 142 votes.

Tom McNeill received 1 vote.

C. H. Jenkins received 1 vote.

E. H. R. Green received 1 vote.

(By vote of the House this morning, Mr. Grogan and Mr. Morris, who were

absent on committee duty yesterday at roll call on the vote for United States Senator, were allowed to have their votes recorded for Chas. A. Culberson, which makes the total vote for him 144.)

The Speaker then said:

"The Hon. Chas. A. Culberson having received a majority of all the votes cast in each House, I now declare him duly and constitutionally elected United States Senator for the ensuing term of six years, beginning March 4, 1899."

Mr. Schluter moved that a committee of three on part of the House and two on part of the Senate be appointed to see Mr. Culberson and inform him of his election and to make known to him the request of the two houses to have him address the Joint Session.

The Speaker put the question on part of the House, and the motion prevailed.

The President put the motion on part of the Senate, and the motion prevailed.

The Speaker appointed on part of the House—Messrs. Prince, Collins and Garner.

The President appointed on part of the Senate—Senators Neal and James.

The committee retired at once and in a brief space of time returned accompanied by Senator-elect Hon. Chas. A. Culberson, the Joint Session rising and remaining standing while they advanced to the Speaker's stand.

Speaker Sherrill then introduced Hon. Chas. A. Culberson to the Joint Session as United States Senator-elect.

Mr. Culberson spoke as follows:

"Gentlemen of the Senate and House of Representatives.

"It would be inappropriate to trespass upon your valuable time with an extended address, but I thank you for the opportunity to acknowledge in this manner the distinguished honor you have done me.

"The sentiment uppermost in my heart today is that of gratitude. It is true that to be elected to the Senate of the United States, the highest legislative body in the world, after having filled the two great offices of Attorney-General and Governor, would inspire pardonable pride in any man. But above this to me, above mere achievement and success, however gratifying, is the esteem and trust of the Legislature and the people of Texas, which these high honors indicate. It is better and nobler to be deemed worthy of exalted public station than to exercise its functions and its powers. To you who have honored me with your suffrages, to the splendid array of personal friends throughout the State whose loyalty is precious to me, to

the great body of the people whose sturdy manhood has been my reliance and my strength, it is impossible to express my deep sense of gratitude. As long as life shall last this partiality and confidence will be proudly and gratefully remembered.

"What may be accomplished in the Senate in justification of your choice I know not, yet you may be assured of adherence to well known political convictions, and that I will constantly bear in mind that I am the representative of a State and a people who acknowledge no superiors, and whose high aim is the ideal in government and in civilization."

At the conclusion of Mr. Culberson's address, the business of the Joint Session being concluded,

On motion of Senator Lewis, the Senate retired to its chamber.

IN SENATE.

On motion of Senator Kerr the Senate adjourned until 10 a. m. tomorrow.

THIRTEENTH DAY.

Senate Chamber,
Austin, Texas, Thursday, Jan. 26, 1899.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Burns.	Neal.
Goss.	Odell.
Greer.	Potter.
Grinnan.	Ross.
Hanger.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Terrell.
Lewis.	Turney.
Linn.	Wayland.
Lloyd.	Yantis.
McGee.	Yett.
Miller.	

Absent.

Dibrell. Gough.

Absent—Excused.

Davidson. Patterson.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Morriss, the same was dispensed with.

EXCUSED.

On motion of Senator Kerr, Senator

Stone was excused for non-attendance on Friday and Saturday of last week and Monday and Tuesday of this week on account of important business and sickness.

On motion of Senator Stafford, Senator Dibrell was excused for today on account of important business.

On motion of Senator Linn, Senator Gough was excused for today and tomorrow on account of important business.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Jan. 25, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 12, being a bill to be entitled "An Act in relation to the taking of the depositions of the Commissioner of the General Land Office,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be referred to Judiciary Committee No. 1.

POTTER, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 20, being a bill to be entitled "An Act to set apart and appropriate to the permanent school fund, all lands heretofore or hereafter recovered by the State and to provide for the disposition thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

POTTER, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1899.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Stock and Stock-raising, to whom was referred

Senate bill No. 23, being a bill to be entitled "An Act to promote stock-raising, and to prohibit the hunting with firearms and dogs upon enclosed marsh lands of another, and prescribing penalties, and to define marsh lands,"

Have had the same under consideration, and I am instructed to report the